

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Commonwealth of Pennsylvania,)
By Attorney General Josh Shapiro)
Plaintiff,) Case No. 3:CV-17-01814-RDM
v.) (Hon. Robert D. Mariani)
Navient Corporation, *et al.*,)
Defendants.) UNOPPOSED MOTION FOR STAY
)
) Electronically Filed
)

UNOPPOSED MOTION FOR STAY OF PROCEEDINGS

In light of the Court's March 5, 2019 Memorandum Opinion and Order granting Navient's Motion for Certification (Doc. 70), Navient moves unopposed for a stay of discovery and all proceedings until the Third Circuit has resolved all issues related to the interlocutory appeal. *See* 28 U.S.C. § 1292(b); *Facenda v. N.F.L. Films, Inc.*, No. CIV A 06-3128, 2007 WL 1575409, at *3 (E.D. Pa. May 24, 2007) ("[A] stay of proceeding is advisable during the appeal, to prevent wasteful and unnecessary discovery.").¹

¹ The unpublished decision cited herein is reproduced in Appendix A.

Notwithstanding this Motion or the Court's March 5, 2019 Order, Navient will comply with the Court's February 11, 2019 Order (Doc. 64), will produce the nationwide borrower data at issue within one week of this filing, and will produce the telephone call recordings within one week after producing such recordings to the CFPB in the parallel CFPB action, *CFPB v. Navient Corp.*, No. 17-cv-101 (M.D. Pa. filed Jan. 18, 2017) unless, prior to that time, it moves to modify the Court's February 11, 2019 Order with respect to the production of the telephone call recordings in the future. Navient further requests that the March 21, 2018 Scheduling Order (Doc. 30) be vacated, and that the Court allow the Parties an opportunity to meet and confer regarding a proposed schedule at the time the Stay is lifted. The Parties have met and conferred regarding these issues, and the Commonwealth does not oppose the relief requested in this Motion. No brief is

required under Local Rule 7.5 because this Motion is unopposed and the reasons for relief are stated in the Motion.

Dated: March 11, 2019

Respectfully submitted,

By: /s/ Daniel T. Brier

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CERTIFICATE OF CONCURRENCE

I, Daniel T. Brier, hereby certify that I sought the concurrence of Nicholas Smyth, Esquire, counsel for Plaintiff Commonwealth of Pennsylvania, in this Motion. Mr. Smyth concurs in this Motion.

/s/ Daniel T. Brier

Date: March 11, 2019

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2019, I filed the foregoing document with the Clerk of the Court via CM/ECF system, which will send notification of such filing to all counsel of record who are deemed to have consented to electronic service.

/s/ Daniel T. Brier
Daniel T. Brier